

Remarks

Claims 1-3, 5-11 and 14-20 are pending, and claims 1-3, 5-11 and 14-20 stand rejected. The Applicants respectfully traverse the rejection and request allowance of claims 1-3, 5-11 and 14-20.

§ 102 Claim Rejections

The Examiner rejected claims 1-3, 5, 10, 11, 14, 15, and 20 under 35 U.S.C. § 103 in view of U.S. Patent number 6,018,515 (Sorber) in further view of U.S. Patent number 6,304,578 (Fluss). The Applicants submit that claims 1-3, 5, 10, 11, 14, 15, and 20 are novel and non-obvious over Sorber, Fluss, or any combination thereof in light of the following remarks.

Independent claim 1 claims a memory controller having the limitation of: *"if occupancy on a first transmit buffer corresponding with a first transmit channel exceeds a threshold, then prioritize the transmit channels to transmit packets from the first transmit buffer corresponding with the first transmit channel"*. Sorber does not teach a memory controller as claimed in claim 1. In the last Response filed by the Applicants, the Applicants described how Sorber does not teach a memory controller that prioritizes transmit channels to transmit packets from a transmit buffer having occupancy that exceeds a threshold as described in claim 1. In this Office action, the Examiner agreed with the Applicants that Sorber does not teach a memory controller that prioritizes transmit channels. *See* Office action, page 3.

To reject the memory controller of claim 1, the Examiner relied on the teaching in Fluss. Fluss describes a method of handling a shared data channel. *See* Fluss, Abstract. In Fluss, multiple users connect to the Internet over a shared data channel. A head end interfaces the users with the Internet. The head end includes a router for the shared data channel, and the router includes a buffer for buffering data destined for the users. If the buffer is filled to a critical level, then the packets are assigned a priority. *See* Fluss, column 7, lines 4-8. The highest priority packets are then transmitted over the shared data channel and out of the buffer. *Id.*

Fluss does not teach a memory controller that *"prioritize[s] the transmit channels to transmit packets from the first transmit buffer corresponding with the first transmit channel"* if the occupancy on a first transmit buffer corresponding with a first transmit channel exceeds a threshold as described in claim 1 of the pending application. Fluss prioritizes *packets* of a

channel. For instance, if a packet is considered a "large" packet, then that packet is given a higher priority. *See* Fluss, column 7, 22-28. In contrast, the memory controller in claim 1 prioritizes *channels*, not the individual packets of a channel. The memory controller in claim 1 does not need to look at each individual packet in a transmit buffer of a channel to determine priority of the individual packet as in Fluss. The memory controller of claim 1 may treat all packets in the channel the same, as the memory controller operates on a channel-level and not the packet-level.

Based on the above remarks, the Applicants submit that claim 1 is novel and non-obvious in view of Sorber, Fluss, and any combination thereof. The same arguments apply for claims 2-3, 5, 10, 11, 14, 15, and 20.

§ 103 Claim Rejections

The Examiner rejected claims 6-9 and 16-19 under 35 U.S.C. § 103 in view of Sorber, Fluss, and U.S. Patent number 5,007,051 (Dolkas). The Applicants submit that claims 6-9 and 16-19 are novel and non-obvious for the reasons provided above.

Conclusion

Based on the above remarks, the Applicants submit that claims 1-3, 5-11 and 14-20 are allowable. There may be additional reasons in support of patentability, but such reasons are omitted in the interests of brevity. The Applicants respectfully request allowance of claims 1-3, 5-11 and 14-20.

Any fees may be charged to deposit account 502622.

Date: 2-13-04



SIGNATURE OF PRACTITIONER

Brett L. Bornsen, Reg. No. 46,566
Duft Setter Ollila & Bornsen LLC
Telephone: (303) 938-9999 ext. 17
Facsimile: (303) 938-9995

Correspondence address:

CUSTOMER NO. 36122